

**Planning Board
Minutes of November 18, 2008**

Members Present: Tom Vannatta, Chair; Barbara Freeman, Vice-Chair; Deane Geddes; Jim Powell, Ex-Officio; Ron Williams; Bill Weiler; Ken McWilliams, Advisor

Mr. Vannatta called the meeting to order at 7:00 p.m.

CASE: 2008-017: Emily Welsh & Sarah Harris - Lot Line Adjustment – Shultis Farm Road

The Board re-signed the mylar for the Welsh & Harris lot line adjustment because the MCRD rejected the previous mylar.

CASE: 2008- 020: Emily Welsh – Lot Line Adjustment – South Road & Morse Lane

The Board re-signed the mylar for the Welsh lot line adjustment because the MCRD rejected the previous mylar.

The Board reviewed the minutes of October 21, 2008 and made corrections.

Ms. Freeman made a motion to accept the minutes of October 21, 2008 as corrected. Mr. Geddes seconded the motion. All in favor.

CASE: 2008-010: Conceptual Lot Line Adjustment – Bradley LaClair – Park 10 – Lots 20-069-280, 20-057-229, & 20-055-210.

Present to discuss the lot line adjustment was Roger Rodewald from Riverside Ecological Designs. Mr. Rodewald explained that Mr. LaClair would like to create two building lots (0.33 ac and 0.62 ac.) from three existing lots of record (0.13 ac, 0.62 ac and 0.20 ac.). The building lots are proposed to share a 450+/- ft. driveway that would run relatively parallel to the contour of the land. There is an existing well approximately 50 ft. behind the playground that would service one of the proposed homes. The second home would need to dig a new well. Both homes would need new septic systems. The system for the first house would be built so that it can be driven over since it is sited under the driveway.

Mr. Rodewald explained that Mr. LaClair is considering use of Stabilized Grid which is a plastic grid system that prevents erosion yet remains permeable.

Ms. Freeman commented that it is better not to cut at all than have to install stabilized grid.

Mr. Rodewald assured the Board that it is not Mr. LaClair's intention to log off or clear cut his property. He emphasized that it would not be to Mr. LaClair's benefit to clear cut his property.

Ms. Freeman commented that the Board cannot make it a requirement that Mr. LaClair cannot cut, but it would be a tremendous negative impact on the playground and wetland below.

Mr. McWilliams advised that the Board could negotiate with the applicant regarding building envelope size and limitations on clearing.

Mr. Rodewald advised the Board that the length of the driveway is not currently all treed.

Mr. Williams observed that the flatter areas have been chosen to site the houses. He asked what kind of covenants could be supplied to protect the land and the neighboring properties that would be passed onto subsequent owners.

Mr. McWilliams suggested a site walk of the property.

Mr. Rodewald thanked the Board and said he would be back sometime after the Holidays for the next step.

CASE: Code – 042: Zoning Amendments 2009 – Shoreland Overlay

Mr. McWilliams advised the Board that in concept he tried to take the amendments the State enacted on April 1 and July 1 and incorporate them into Newbury's local ordinance. It is not done verbatim, but consistency between the two was the objective.

Mr. Powell commented that tree cutting is a State issue. He stated that any time the Town has had a problem or question, the State has been very good about responding. He commented that it makes sense to have one group enforcing the tree cutting.

Mrs. Freeman commented that she is concerned if the Town is not involved. People on the Lake are notorious about chopping down trees. It is easier to check on permits on a local level than seek assistance from the State.

Mr. Powell commented that there are many "watchdogs" plus the LSPA watching property owners and keeping tabs on tree cutting along the shore. The Board of Selectmen hear from them quite frequently.

Mrs. Freeman commented that is why tree cutting along the shore should be controlled on a local level. If the Town is not involved, who would those "watchdogs" effectively report violations to?

The Board continued discussing the merits of keeping and regulating shoreland activity on a local level versus yielding regulation and enforcement the State.

Mr. Vannatta asked the Board to vote by a show of hands on whether or not the Board should continue the process of updating this ordinance on a local level and maintain a local shoreland ordinance. Majority in favor. One opposed.

The Board reviewed the draft revisions of the Article VII Shore Land Overlay District and made changes and clarifications.

Mr. Powell asked if 7.8.2 – Creation of Access Rights – prohibits a property owner from giving a deed right of way to another party.

Mr. McWilliams said yes, and that it is there not to restrict property rights but to prohibit funneling.

Mr. Weiler suggested that a single lot should be allowed one easement to the water for another party.

Consensus of the Board was that one single access should be allowed per lot.

Mr. Powell asked since the Town has no authority regarding activity in the water, then why do we need 7.8.3.4 which refers to separate boating and swimming areas.

Consensus of the Board was to delete 7.8.3.4. – Boating and swimming areas.

CASE: 2004-006: Angel Hawk Subdivision – Jaimie Gould aka Advanced Conception Property Development, LLC – Development Agreement

Mr. Vannatta advised the Board that Town Counsel stated that he would rather see a letter of credit or a bond instead of a development agreement, but this is a good document in his opinion.

Mr. Weiler made a motion to approve the language of the Development Agreement and send it to Advanced Conception Property Development LLC for signing. Ms. Freeman seconded the motion. All in favor.

CASE: 2004-006: Angel Hawk Subdivision – Harold Buker – Letter of Credit

Mr. Vannatta advised the Board that after researching the issues discussed at the previous meeting, there are no liens against this escrow account from the engineers of the Town, and after discussion with Jaimie Gould, Advanced Conception Property Development, LLC purchased the properties only. He lays no claim to the escrow account. Furthermore, Angel Hawk LLC is still in existence and owns other properties. According to Jennifer Goin, Treasurer for the Town of Newbury, there is only \$688.87 cents in the escrow account. Additionally, the original check came from Angel Hawk and it will be written back to Angel Hawk.

Mr. McWilliams advised the Board that the Small Wind Energy systems should be ready for December 12 as well as the Shore Land draft.

Mr. Weiler made a motion to adjourn. Ms. Freeman seconded the motion. All in favor. Meeting adjourned at 9:30 p.m.

Respectfully Submitted,

Linda Plunkett
Recording Secretary